

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

GERALD CORNELIUS ELDRIDGE,	§	
	§	
	§	
Petitioner,	§	
	§	
v.	§	CIVIL NO. H-05-1847
	§	
RICK THALER, Director,	§	
Texas Department of Criminal	§	
Justice-Correctional Institutions	§	
Division,	§	
	§	
Respondent.	§	
	§	

ORDER DENYING PETITIONER'S MOTION FOR RECONSIDERATION

On June 9, 2011, this court denied Eldridge's motion for additional funds for expert assistance. On June 10, 2011, Eldridge filed a motion for reconsideration. On June 22, 2011, he filed a motion for a continuance of the briefing schedule.

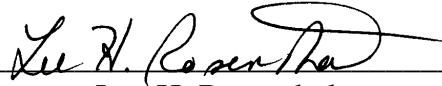
"A motion to reconsider an order. . . is appropriate when the court is presented with newly discovered evidence, when the court committed clear error, when there is an intervening change in controlling law, or when other highly unusual circumstances exist." *Becerra v. Asher*, 921 F.Supp. 1538, 1548 (S.D. Tex. 1996), *aff'd*, 105 F.3d 1042 (5th Cir.), *cert. denied sub nom. Becerra v. Houston Independent School District*, 522 U.S. 824 (1997). Eldridge's motion provides more specific information about the expert services he wants funded, but does not demonstrate clear error or change in intervening law, and Eldridge presents no newly discovered evidence.

Eldridge's motion for a continuance rests on the supposition that his motion for reconsideration will be granted, and a request will be sent to the Chief Judge of the Fifth Circuit to

approve additional expert funding. Because Eldridge's motion for reconsideration is denied, there is no reason to continue the briefing schedule in this already very drawn out case.

The petitioner's Motions For Reconsideration (Docket Entry 159) and for Continuance of Briefing Schedule (Docket Entry 162) are **denied**.

SIGNED on June 23, 2011, at Houston, Texas.



Lee H. Rosenthal
United States District Judge